

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SPENCER YOUNG,

Plaintiff,

VS.

CITY OF SEATTLE, JENNY DURKAN,
Mayor, LORENA GONZALEZ, LISA
HERBOLD, DEBORA JUAREZ, ANDREW J.
LEWIS, TAMMY J. MORALES, TERESA
MOSQUEDA, ALEX PEDERSEN, KSHAMA
SAWANT, DAN STRAUS, Seattle City Council
Members, in their official capacities,

Defendants.

No.

KING COUNTY SUPERIOR COURT
CAUSE NO. 20-2-09607-5 SEA

**NOTICE OF REMOVAL TO FEDERAL
COURT UNDER 28 U.S.C. § 1441(a)**

TO: THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, AT
SEATTLE:

Defendant City of Seattle hereby gives notice that it is removing the above-referenced case to the United States District Court for the Western District of Washington on the grounds set forth below. The City and the individually named Defendants, who are all elected officials and employees of the City of Seattle named in their official capacity, consent to the removal.

**NOTICE OF REMOVAL TO FEDERAL
COURT UNDER 28 U.S.C. § 1441(a) - 1**

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

1 **I. SUMMARY OF STATE COURT PROCEEDINGS**

2 1. Plaintiff filed this action in King County Superior Court on June 4, 2020. **The**
3 **Complaint is attached hereto as Exhibit 1.** Defendant City of Seattle was served with the Complaint
4 on June 5, 2020.

5 2. After filing this Notice of Removal, Defendants will give notice to the King County
6 Superior Court of the removal of this action.

7 **I. GROUNDS FOR REMOVAL**

8 4. Plaintiff's Complaint alleges that Defendants violated the Second Amendment of the
9 United States Constitution because the Seattle Municipal Code confers on the Mayor emergency
10 powers related to firearms, among other things.

11 5. This Court has original jurisdiction over Plaintiff's claims invoking U.S. Const.
12 amend. II because they are claims arising under the "Constitution, laws, or treaties of the United
13 States" within the meaning of 28 U.S.C. § 1331. Accordingly, this action is subject to removal to
14 "the district Court of the United States for the district and division embracing the place where [the]
15 action is pending." 28 U.S.C. § 1441(a). Pursuant to Local Rules W.D. Wash. LCR 3(e)(1)
16 Defendants are removing this case to the Western District of Washington, Seattle Division, because
17 it is removing this case from King County Superior Court.

18 6. Plaintiff also alleges claims arising under the laws of the State of Washington. Upon
19 information and belief, any such claims would be so related to Plaintiff's claims invoking U.S. Const.
20 amend. II that they form part of the same case or controversy, and thus are within this Court's
21 supplemental jurisdiction. 28 U.S.C. § 1337(a).

1 For all of the reasons stated above, Defendant City of Seattle hereby give notice that the civil
2 action in King County Superior Court, State of Washington has been removed from that Court to the
3 United States District Court for the Western District of Washington at Seattle.

4 DATED this 24th day of June, 2020.

5 PETER S. HOLMES
Seattle City Attorney
6

7 By: /s/Carolyn U. Boies
Carolyn U. Boies WSBA#40395
8

9 /s/Brian G. Maxey
Brian G. Maxey, WSBA#33279
10 Assistant City Attorneys
11

12 E-mail: carolyn.boies@seattle.gov
brian.maxey2@seattle.gov
13

14 Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104
Phone: (206) 684-8200
15

16 *Attorneys for Defendant City of Seattle*
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DECLARATION OF SERVICE

I hereby declare under penalty of perjury under the laws of the State of Washington, that on this date, I electronically filed the foregoing document with the Clerk of the Court using the ECR E-filing Application, and caused a true and correct copy to be served on the following in the manner(s) indicated:

<p>Spencer Young 2801 Western Avenue Apt. 1019 Seattle, WA 98121 Spencer.young@spyoung.com Plaintiff, Pro Se</p>	<input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Facsimile
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DATED this 24th day of June, 2020, at Seattle, Washington.

s/Marisa Johnson
Marisa Johnson, Legal Assistant